

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

----- X
THIRD CHURCH of CHRIST, SCIENTIST, of :
NEW YORK CITY, :

Plaintiff, :

- against - :

THE CITY OF NEW YORK and PATRICIA J. :
LANCASTER, in her official capacity as, :
Commissioner of the New York City Department :
of Buildings, :

Defendants. :
----- X

07 Civ. 10962 (DAB)

PLAINTIFF'S NOTICE
CROSS-MOTION

PLEASE TAKE NOTICE that, upon the annexed declaration of Monica Pa, Esq., sworn to on April 17, 2008, and the exhibits annexed thereto, the accompanying Memorandum of Law, and all other pleadings and proceedings, Plaintiff Third Church of Christ, Scientist, of New York City, will cross-move before the Honorable Deborah A. Batts, United States District Judge, Southern District of New York, in Courtroom 24B of the United States Courthouse, 500 Pearl Street, New York, New York, on such time and place as the Court may direct, for an order compelling non-party The Metropolitan Club to comply with the Subpoena, served on March 6,

2008, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

Dated: New York, New York
April 11, 2008

DAVIS WRIGHT TREMAINE LLP

By: 

Victor A. Kovner (VAK 2248)
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*Attorneys for Plaintiff Third Church of
Christ, Scientist, of New York City*

TO:

Neil G. Sparber, Esq.
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Attorneys for Defendants

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)


: ss.:

COUNTY OF NEW YORK)

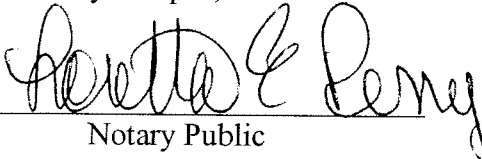
I, Alberta Pellegrino, being sworn, say: I am not a party to the action, am over 18 years of age and reside in Staten Island, New York. On April 17, 2008, I caused to be served the within **Plaintiff's Notice Cross-Motion, Plaintiff's Memorandum of Law in Opposition to Non-Party the Metropolitian Club, Inc. Motion to Quash and in support of Plaintiff's Cross Motion to Compel and Declaration of Monica PA in support of Motion to Compel** by depositing a true copy thereof enclosed by Hand Delivery, addressed to the following at the last known address set forth after their name:

Neil G. Sparber, Esq.
Fulbright & Jarorski LLP
666 Fifth Avenue- 31st Floor
New York, New York 10103

Attorney for non-party, Metropolitan Club


Alberta Pellegrino

Sworn to before me this
17th day of April, 2008.


Notary Public

LORETTA E. PERRY
NOTARY PUBLIC, State of New York
No. 24-4931617

Qualified in Kings County
Commission Expires August 1, 2010